

SENATE BILL 54

Unofficial Copy  
R2

2001 Regular Session  
(11r0057)

*ENROLLED BILL*  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Chairman, Judicial Proceedings Committee (Departmental -  
Transportation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Mass Transit Administration - Torts - Restrictions on Actions**

3 FOR the purpose of prohibiting a tort claimant from instituting an action against the  
4 Mass Transit Administration unless certain conditions are met; requiring that a  
5 tort claim contain certain information and meet certain criteria; providing that  
6 a claim is deemed denied under certain circumstances; providing for the  
7 application of this Act; and generally relating to tort claims against the Mass  
8 Transit Administration.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 7-702  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 2000 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Transportation**

4 7-702.

5 (a) Subject to [subsection (b)] THE PROVISIONS of this section, the  
6 Administration is liable for its contracts and torts and for the torts of its officers,  
7 agents, and employees in connection with the performance of the duties and functions  
8 of the Administration under this title.

9 (b) The exclusive remedy for a breach of contract or for a tort committed by the  
10 Administration, its officers, agents, or employees is a suit against the Administration.  
11 No execution may be levied on any property of this State or of the Administration.

12 ~~(C)~~ (D) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO A TORT CLAIM  
13 THAT IS ASSERTED BY CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM.

14 ~~(C)~~ (D) A TORT CLAIMANT MAY NOT INSTITUTE AN ACTION UNDER THIS  
15 SECTION UNLESS:

16 (1) THE CLAIMANT SUBMITS A WRITTEN NOTICE OF CLAIM TO THE  
17 ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE WITHIN 1 YEAR AFTER THE  
18 INJURY TO PERSON OR PROPERTY THAT IS THE BASIS OF THE CLAIM;

19 (2) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE DENIES  
20 THE CLAIM ~~FINALLY~~; AND

21 (3) THE ACTION IS FILED WITHIN 3 YEARS AFTER THE CAUSE OF ACTION  
22 ARISES.

23 ~~(D)~~ (E) A ~~TORT~~ NOTICE OF CLAIM UNDER THIS SECTION SHALL:

24 (1) CONTAIN A CONCISE STATEMENT OF FACTS THAT SETS FORTH THE  
25 NATURE OF THE CLAIM, INCLUDING THE DATE AND PLACE OF THE ALLEGED TORT;

26 (2) ~~DEMAND SPECIFIC DAMAGES;~~

27 ~~(3)~~ STATE THE NAME AND ADDRESS OF ~~EACH PARTY~~ THE CLAIMANT;

28 ~~(4)~~ (3) STATE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF  
29 COUNSEL FOR THE CLAIMANT, IF ANY; AND

30 ~~(5)~~ (4) BE SIGNED BY THE CLAIMANT, OR THE LEGAL  
31 REPRESENTATIVE OR COUNSEL FOR THE CLAIMANT.

32 ~~(E)~~ (F) A CLAIM UNDER THIS SECTION IS DENIED ~~FINALLY~~:

33 (1) ~~IF, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, UNDER A~~  
34 ~~POSTMARK OF THE UNITED STATES POSTAL SERVICE, THE ADMINISTRATOR OR THE~~

1 ADMINISTRATOR'S DESIGNEE SENDS THE CLAIMANT, OR THE LEGAL  
2 REPRESENTATIVE OR COUNSEL FOR THE CLAIMANT, WRITTEN NOTICE OF DENIAL;  
3 OR

4 (2) IF THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE FAILS  
5 TO GIVE NOTICE OF A ~~FINAL DECISION~~ DENIAL WITHIN 6 MONTHS AFTER THE  
6 ~~FILING OF THE~~ SENDING OF THE NOTICE OF CLAIM.

7 (G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UNLESS  
8 THE ADMINISTRATION AFFIRMATIVELY SHOWS THAT ITS DEFENSE HAS BEEN  
9 PREJUDICED BY THE LACK OF THE REQUIRED NOTICE, A COURT MAY ALLOW THE  
10 ACTION TO PROCEED EVEN IF THE WRITTEN NOTICE OF CLAIM WAS NOT  
11 SUBMITTED.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
13 construed only prospectively and may not be applied or interpreted to have any effect  
14 on or application to any cause of action arising before the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2001.